

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.18986 OF 2005

Dated 29th August 2005

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Between:

M.S.Murali Mohan S/o.Balraju,
Aged 30 years, R/o.T.Kottapalli vill.
I.Polavaram Mandal, East Godavari District.

...Petitioner

And

The Convener, Engg.&Pharma (Admissions),
A.P.State Council of Higher Edn., Hyderabad & another

...Respondents

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ORDER:

The petitioner appeared for the Engineering Common Entrance Test 2005 (ECET), held for the purpose of selecting candidates, for lateral admission into the Second Year of Engineering Courses. He secured rank No.962, and in the counseling, he was allotted to the second respondent college. Fee of Rs.300/- was collected on 1.7.2005, and he was required to report to the second respondent college, for admission. In the admission letter, it was clearly indicated that the classes would commence from 4.7.2005.

Petitioner states that with a view to obtain Transfer Certificate, he went to his native place, and there, he has fallen sick. According to him, he could not move out of his native place, till 23.7.2005, and when he reported the second respondent college on 29.7.2005, he was informed that an advertisement was issued on 21.7.2005, for the vacant seats, and the seats were filled up, with the suitable candidates. Petitioner states that he approached the first respondent, pointing out his grievance, and complains that no steps have been taken to protect his interests.

Heard the learned counsel for the petitioner and learned Standing Counsel for A.P. State Council of Higher Education.

Apart from admitting the candidates in the First Year of Engineering Courses, the Government had provided the facility of admission of such of the Polytechnic candidates, who qualified in the ECET, in the Second Year of Engineering Courses, subject to availability of seats. In the second respondent college, several seats were available in the Second Year. On the basis of the rank secured by the petitioner, he was allotted to the second respondent college, through a letter dated 1.7.2005. He was required to join that college, on submission of the testimonials. It was clearly pointed out that the classes would commence from 4.7.2005, indicating that reporting to admission must be before that date. It is not in dispute that the petitioner reported for admission on 29.7.2005. In view of the fact that the classes have already been commenced from 4.7.2005, and the petitioner did not report to join the college, the second respondent issued a notification on 21.7.2005, proposing to conduct spot admission, against the vacancy that remained unfilled, on account of the failure of the petitioner to report. The admission was scheduled to take place on 22.7.2005. The petitioner did not turn up even on that date. The applications of the candidates, who responded to the notification, are considered, and the seat was filled up.

One of the points urged on behalf of the petitioner, is that the vacancy was earmarked for Scheduled Caste, and it was filled up with a candidate, belonging to other categories. It is difficult to accept such a contention. The first respondent did follow the rule of reservation, and allotted a seat to the petitioner, in the second

respondent college. If the petitioner did not choose to join the college, the respondents are not expected to permit that seat to lapse. It is not as if another candidate belonging to Scheduled Caste applied for admission and he was denied. The petitioner, who missed the opportunity, cannot have any grievance in this regard. This Court does not find any merit in the writ petition, and the same is accordingly dismissed. There shall be no order as to costs.

29th August 2005

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